

REMARKS

The Amendments

Claim 1 has been amended to recite a chemically modified double stranded short interfering RNA (siRNA) molecule comprising a sense strand and an antisense strand. Support for the amendment can be found in the specification at, *inter alia*, page 8, lines 3-5; page 9, lines 3-5. Claim 1 has also been amended to recite that the antisense strand of the siRNA molecule comprises about 18 to about 27 nucleotides that are complementary to huntingtin (HD) RNA corresponding to SEQ ID NO:3582 (see, page 21, lines 19-23; page 142, lines 5-7); the antisense strand is complementary to the sense strand (see, page 11, lines 12-18); the sense strand of the siRNA molecule comprises a portion of the HD RNA nucleotide sequence of about 18 to about 27 nucleotides (see, page 21, lines 19-23); and between about 50 percent and about 100 percent of the nucleotide positions in one or both strands of the siRNA molecule are chemically modified and any purine nucleotides present in the antisense strand are 2'-O-methyl purine nucleotides (see, page 13, lines 19-22; Claim 19, Figures 4 and 5 and descriptions thereof.).

Amendments to the claims are made without prejudice and do not constitute amendments to overcome any prior art or other statutory rejections and are fully supported by the specification as filed. Additionally, these amendments are not an admission regarding the patentability of subject matter of the canceled or amended claims and should not be so construed. Applicant reserves the right to pursue the subject matter of the previously filed claims in this or in any other appropriate patent application. The amendments add no new matter and applicants respectfully request their entry.

Claim Objections

Claim 3 stands as "objected to." Claim 3 has been canceled. Applicants respectfully request withdrawal of the objection.

Priority

The Office asserts that the instant claims are entitled to a priority date of April 11, 2004. Applicants respectfully disagree. The Office alleges that none of the priority documents teach:

- 1) A chemically synthesized double stranded siRNA;

- 2) That directs cleavage of a huntingtin (HD) RNA;
- 3) Comprising SEQ ID NO:3598 via RNA interference;
- 4) Wherein each strand is about 18 to about 27 nucleotides in length.

The present application claims priority to, *inter alia*, 60/363,124 (the '124 application), filed March 11, 2002. The claims presented above all find support in, *inter alia*, the '124 application as follows:

Claim Elements	Support in the '124 priority application
A chemically synthesized double stranded siRNA ("synthesized" has been amended herein to "modified")	Page 3, lines 13-24; page 4, lines 5-7 (stating "nucleic acid molecules of the invention that act as mediators of the RNA interference gene silencing response are chemically modified double stranded RNA molecules").
That directs cleavage of a huntingtin (HD) RNA;	Page 18, lines 1-5; Page 383, line 7; Page 65, lines 8-11.
Comprising SEQ ID NO:3582 via RNA interference	Page 18, lines 1-5; Page 383, line 7 (stating "NM_002111 Homo sapiens huntingtin (Huntington disease) (HD), mRNA")
Wherein each strand is about 18 to about 27 nucleotides in length.	Page 12, lines 4-6 (stating "a chemically modified siRNA molecule of the invention comprises a duplex having two strands, one or both of which can be chemically modified, wherein each strand is between about 18 and about 27 nucleotides in length")

Therefore, the instant claims are entitled to a priority date of at least March 11, 2002.

Rejection of Claims 1-31 Under 35 U.S.C. § 112, second paragraph

Claims 1-31 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because SEQ ID NO:3578 does not comprise GenBank NM_002111. Claims 2-12, 19 and 22-30 have been canceled. Therefore, the rejection is moot as applied to these claims. Applicants respectfully traverse the rejection as it applies to claims 1, 13-21, and 31.

The claims have been amended to recite SEQ ID NO:3582, which is GenBank NM_002111 as it appeared on October 31, 2000. The claims are now definite. Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph, rejection.

Rejection of Claims 1-31 Under 35 U.S.C. § 112, first paragraph

Claims 1-31 stand rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 2-12 and 22-30 have been canceled. Therefore, the rejection is moot as applied to these claims. Applicants respectfully traverse the rejection as it applies to claims 1, 13-18, 20-21, and 31.

The office asserts that the claims do not have proper written description because SEQ ID NO:3578 does not comprise GenBank NM_002111. The claims have been amended to recite SEQ ID NO:3582, which is GenBank NM_002111 as it appeared on October 31, 2000. The claims, therefore, have proper written description. Applicants respectfully request withdrawal of the rejection.

Conclusion

In view of the foregoing amendments and remarks, the applicant submits that the claims are in condition for allowance, which is respectfully solicited. If the examiner believes a teleconference will advance prosecution, she is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

Date: January 17, 2007

/Lisa M.W. Hillman/
Lisa M.W. Hillman, Ph.D.
Registration No. 43,673

Telephone: 312-935-2367
Facsimile: 312-913-0002

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, IL 60606